

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 2544
)	<u>AMENDED</u>
ALAN CROSBY, D.O.)	FINDINGS OF FACT,
Holder of License No. 2383 for the)	CONCLUSIONS OF LAW
practice of osteopathic medicine)	AND BOARD ORDER FOR
in the State of Arizona.)	PROBATION
_____)	

INTRODUCTION

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for final consideration and decision at the Board's public meeting held on June 19, 1999. Pursuant to its statutory authority at A.R.S. § 32-1855(E), the Board held an Informal Interview on June 19, 1999. During the course of these proceedings, Alan Crosby, D.O. (hereinafter "Respondent") was present and was not represented by legal counsel.

Based upon Respondent's testimony and documentary evidence submitted to the Board, the board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is a licensee of the Board and the holder of License No. 2383.
2. On or about November 17, 1998 the Board received information alleging that Respondent was inappropriately prescribing controlled substances.
3. On or about November 21, 1998 the Board performed a pharmacy audit and a chart review at Respondent's office. The pharmacy audit revealed that Respondent prescribed the following medication in a three week period to patient M.H.: October 16, 1998 60 Lortab at an

Albertson's pharmacy; October 17, 1998 60 Lortab at an ABCO pharmacy; October 22, 1998 60 Lortab at an Albertson's pharmacy; October 24, 1998 and another 60 at an ABCO pharmacy; October 28, 1998 60 Lortab at Albertson's pharmacy; and on November 3, 1998 60 from an ABCO pharmacy.

The pharmacy audit and chart review also showed that another patient received 60 Lortabs on October 13, 1998, October 31, 1998 and November 7, 1998. The same patient also received 60 Valium 10mg and 60 Soma on October 29, 1998 and three refills on November 17, 1998.

4. Chart review in Respondent's office was difficult to confirm why these prescriptions were made because he frequently uses shorthand to maintain his medical records. It was also discovered that Respondent's employees are authorized to grant refills for narcotic prescriptions without Dr. Crosby's consent.

5. At the Board's June 19, 2000 open meeting, the Board heard testimony from Respondent and reviewed all documentation on the allegations. In public session the Board voted on June 19, 2000 that Respondent's license should be placed on a probationary status for continuing medical education and random chart review and authorized the Board's Executive Director to sign and issue a Board Order regarding Respondent that follows hereinafter.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to enter into an order for disciplinary action against a license, pursuant to A.R.S. § 41-1063, A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

3. The Respondent engaged in unprofessional conduct as defined in. A.R.S. § 32-1854 by violating federal and state statutes and regulations:

- (5) Prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes.
- (6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.
- (36) Lack of or inappropriate direction, collaboration or supervision of a licensed, certified or registered health care provider or office personnel employed by or assigned to the physician in the medical care of patients.
- (40) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Alan Crosby, D.O. ("Respondent") shall comply with the following terms and conditions of this agreement:

2. Respondent's Board License Number 2383 will be placed under **PROBATION** for **THREE YEARS** and he shall comply with the terms and conditions of probation as set forth herein:

3. Within six (6) months from the date of this Order, Respondent shall obtain twenty hours of continuing medical education ("CME") in each of the following areas: appropriate prescribing, pain management, which includes acute, chronic and terminal pain and medical record keeping. The CME shall be approved in advance by the Board's Executive Director or designee.

The CME requirement of this Board order is in addition to the CME requirement that Respondent needs to maintain his osteopathic medical license in Arizona.

4. Respondent shall undergo random chart reviews by the Board's staff or designee. The random chart review shall consist of a minimum of ten charts every three months. The chart

reviews will insure appropriate prescribing methods and record keeping.

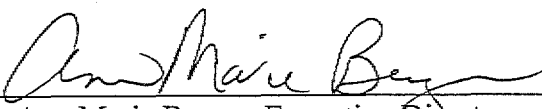
5. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

6. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

7. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 31st day of May, 2000.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

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